

DRIVER LICENSE MOTORCYCLE ENDORSEMENT

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to motorcycle endorsements.

Highlighted Provisions:

This bill:

► provides that a person is exempt from the requirement to pass the knowledge and skills test to be eligible for a motorcycle endorsement to a regular license certificate if the person:

- is a resident of the state of Utah;
- is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States or is an immediate family member or dependent of a person stationed outside of Utah in any of the armed forces of the United States;

- has a digitized driver license photo on file with the division;
- provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and

- provides the necessary information and documentary evidence;

► grants the Driver License Division rulemaking authority to:



- establish the procedures for certain military personnel and their families to obtain a motorcycle endorsement; and
- identify the applicable restrictions for the motorcycle endorsement issued; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-205, as last amended by Laws of Utah 2012, Chapters 145, 176, 177, and 335

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-3-205** is amended to read:

53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

(1) An application for any original license, provisional license, or endorsement shall be:

- (a) made upon a form furnished by the division; and
- (b) accompanied by a nonrefundable fee set under Section 53-3-105.

(2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:

- (a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months of the date of the application;
- (b) a learner permit if needed pending completion of the application and testing process; and
- (c) an original class D license and license certificate after all tests are passed and requirements are completed.

(3) An application and fee for a motorcycle or taxicab endorsement entitle the

59 applicant to:

60 (a) not more than three attempts to pass both the knowledge and skills tests within six
61 months of the date of the application;

62 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

63 (c) a motorcycle or taxicab endorsement when all tests are passed.

64 (4) An application and fees for a commercial class A, B, or C license entitle the
65 applicant to:

66 (a) not more than two attempts to pass a knowledge test and not more than two
67 attempts to pass a skills test within six months of the date of the application;

68 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
69 and

70 (c) an original commercial class A, B, or C license and license certificate when all
71 applicable tests are passed.

72 (5) An application and fee for a CDL endorsement entitle the applicant to:

73 (a) not more than two attempts to pass a knowledge test and not more than two
74 attempts to pass a skills test within six months of the date of the application; and

75 (b) a CDL endorsement when all tests are passed.

76 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
77 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
78 two additional times within the six months for the fee provided in Section 53-3-105.

79 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
80 expires on the birth date of the applicant in the fifth year following the year the license
81 certificate was issued.

82 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
83 to a license expires on the birth date of the licensee in the fifth year following the expiration
84 date of the license certificate renewed or extended.

85 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
86 the same date as the last license certificate issued.

87 (d) An endorsement to a license expires on the same date as the license certificate
88 regardless of the date the endorsement was granted.

89 (e) (i) A regular license certificate and any endorsement to the regular license

certificate held by a person described in Subsection (7)(e)(ii), which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated, the person has been discharged, or the person's assignment has been changed or terminated, unless:

(A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or

(B) the licensee updates the information or photograph on the license certificate.

(ii) The provisions in Subsection (7)(e)(i) apply to a person:

(A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;

(B) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;

(C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or

(D) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.

(f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:

(A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or

(B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.

(ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth year following the year that the limited-term license certificate was issued.

(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed.

(h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is

required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:

(i) provide:

(A) the applicant's full legal name;

(B) the applicant's birth date;

(C) the applicant's gender;

(D) (I) documentary evidence of the applicant's valid Social Security number;

(II) written proof that the applicant is ineligible to receive a Social Security number;

(III) the applicant's temporary identification number (ITIN) issued by the Internal Revenue Service for a person who:

(Aa) does not qualify for a Social Security number; and

(Bb) is applying for a driving privilege card; or

(IV) other documentary evidence approved by the division;

(E) the applicant's Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and

(F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;

(ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:

(A) that a person is:

(I) a United States citizen;

(II) a United States national; or

(III) a legal permanent resident alien; or

(B) of the applicant's:

(I) unexpired immigrant or nonimmigrant visa status for admission into the United States;

(II) pending or approved application for asylum in the United States;

(III) admission into the United States as a refugee;

152 (IV) pending or approved application for temporary protected status in the United
153 States;

154 (V) approved deferred action status;

155 (VI) pending application for adjustment of status to legal permanent resident or
156 conditional resident; or

157 (VII) conditional permanent resident alien status;

158 (iii) provide a description of the applicant;

159 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
160 and, if so, when and by what state or country;

161 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
162 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
163 application refused, and if so, the date of and reason for the suspension, cancellation,
164 revocation, disqualification, denial, or refusal;

165 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
166 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

167 (vii) state whether the applicant is required to register as a sex offender in accordance
168 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

169 (viii) state whether the applicant is a veteran of the United States military, provide
170 verification that the applicant was honorably discharged from the United States military, and
171 state whether the applicant does or does not authorize sharing the information with the state
172 Department of Veterans' Affairs;

173 (ix) provide all other information the division requires; and

174 (x) sign the application which signature may include an electronic signature as defined
175 in Section 46-4-102.

176 (b) Each applicant shall have a Utah residence address, unless the application is for a
177 temporary CDL issued under Subsection 53-3-407(2)(b).

178 (c) Each applicant shall provide evidence of lawful presence in the United States in
179 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

180 (d) The division shall maintain on its computerized records an applicant's:

181 (i) (A) Social Security number;

182 (B) temporary identification number (ITIN); or

183 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
184 (ii) indication whether the applicant is required to register as a sex offender in
185 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

186 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
187 by at least one of the following means:

- 188 (a) current license certificate;
- 189 (b) birth certificate;
- 190 (c) Selective Service registration; or
- 191 (d) other proof, including church records, family Bible notations, school records, or
192 other evidence considered acceptable by the division.

193 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
194 higher class than what the applicant originally was issued:

- 195 (i) the license application shall be treated as an original application; and
 - 196 (ii) license and endorsement fees shall be assessed under Section 53-3-105.
- 197 (b) An applicant that receives a downgraded license in a lower license class during an
198 existing license cycle that has not expired:

199 (i) may be issued a duplicate license with a lower license classification for the
200 remainder of the existing license cycle; and

201 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
202 duplicate license is issued under Subsection (10)(b)(i).

203 (c) An applicant who has received a downgraded license in a lower license class under
204 Subsection (10)(b):

205 (i) may, when eligible, receive a duplicate license in the highest class previously issued
206 during a license cycle that has not expired for the remainder of the existing license cycle; and

207 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
208 duplicate license is issued under Subsection (10)(c)(i).

209 (11) (a) When an application is received from a person previously licensed in another
210 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
211 other state.

212 (b) When received, the driver's record becomes part of the driver's record in this state
213 with the same effect as though entered originally on the driver's record in this state.

(12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.

(13) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

(14) A person who applies for an original license or renewal of a license agrees that the person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.

(15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by the licensee in accordance with division rule.

(b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform licensees of anatomical gift options, procedures, and benefits.

(16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

(17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

(18) A person who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

(19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2014, a person born on or after December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (19), the division shall cancel the Utah identification card on December 1, 2014.

(20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2017, a person born prior to December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (20), the division shall cancel the Utah identification card on December 1, 2017.

(21) (a) A person who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the person:

(i) is a resident of the state of Utah;

(ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or

(B) is an immediate family member or dependent of a person described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;

(iii) has a digitized driver license photo on file with the division;

(iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and

(v) provides the necessary information and documentary evidence required under

276 Subsection (8).

277 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
278 division shall make rules:

279 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
280 this Subsection (21); and

281 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
282 this Subsection (21).

Legislative Review Note
as of 11-14-12 12:10 PM

Office of Legislative Research and General Counsel